

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

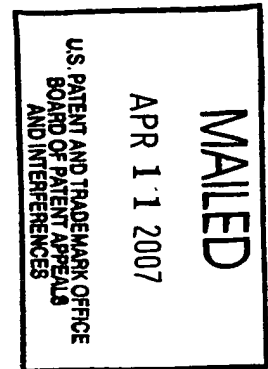
---

*Ex parte* MICHAEL W. JOHNSON,  
JOHN S. MINAMI,  
RYO KOYAMA AND LANDON GENTRY

---

Application 10/049,972

---



ORDER RETURNING UNDOCKETING APPEAL TO EXAMINER

---

This application was received electronically at the Board of Patent Appeals and Interferences on February 7, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

On January 31, 2007, an Examiner Answer was entered into the record. In the Evidence Relied Upon section, page no. 2, paragraph 8, the Examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Vaziri U.S. 6,377,570, Himmel U.S. 6,480,852, Martin "An alternative to Government Regulation and Censorship: Content Advisory Systems for the Internet", Sharpe U.S. 6,012,961, and Reavey U.S. 5,847,698 were applied to the statement of rejections in the Grounds of

Application 10/049,972

Rejection, paragraph (9) of the Examiner's Answer. Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the Grounds of Rejections. See the Manual of Patent Examining Procedure, (MPEP) §1207.02. Appropriate correction is required.

In addition, the review of the application indicates that a Reply Brief filed on April 2, 2007 has been entered into PALM and has not been considered by the Examiner. Correction is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8);
- 2) for consideration of the Reply Brief filed April 2, 2007;
- 3) for written acknowledgment of entry of Reply Brief to the Appellants; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

Application 10/049,972

PJN/kis

CC: ZILKA-KOTAB, P.C.  
P. O. BOX 721120  
SAN JOSE, CA 95172-1120